

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL A. ESTES, a single man, individually  
and as Guardian ad Litem for ISAAK ESTES,  
a minor child,

Plaintiff,

v.

UNITED STATES OF AMERICA, by and  
through the DEPARTMENT OF THE  
ARMY,

Defendant.

Case No. C07-5416RBL

ORDER

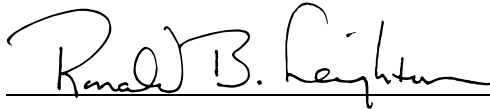
THIS MATTER comes before the Court on the Plaintiffs' Motion for Relief From a Deadline or Limit Imposed by an Order [Dkt. #74]. The Court has reviewed the materials for and against said motion. Oral argument is not necessary to resolve the issues presented by the motion. For the following reason the motion is **DENIED**.

The issue of the proper amount of reimbursement for reasonable and necessary medical expenses is generally a question of fact for the trier of fact. Usually the health care provider must testify that the service rendered was necessary and that the charges exacted for said service were reasonable. The issue presented in this motion focuses attention on the difference between what the medical provider "charged" and what the

1 insurer (in this case the Washington Department of Labor and Industries) was required by state law and  
2 applicable fee schedules to pay. The Court is satisfied that that issue is one of law to be resolved by the  
3 Court. The Court urges the parties to enter into a stipulation setting forth for each health care provider the  
4 amount charged, the amount paid, and reference to the applicable statute or fee schedule which limits said  
5 payment. Only if the defendant challenges the necessity of the service or the reasonableness of the amount  
6 actually paid to the health care provider, should the provider be required to testify at trial.  
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8 Plaintiffs' Motion for Relief [Dkt. #74] is **DENIED**.

9 Dated this 19<sup>th</sup> day of March, 2009.  
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13 RONALD B. LEIGHTON  
14 UNITED STATES DISTRICT JUDGE  
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